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**ORIGINAL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

-against-

MARK SEELIG, EUGENIO PRESTA, NICOLA PRESTA,  
AS TRUSTEES OF THE CONSTANTINO PRESTA  
IRREVOCABLE TRUST; HSBC BANK USA, NATIONAL  
ASSOCIATION,

Defendants.  
-----X

07 CV 3136  
(GEL)(RLE)

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
APR 26 2007

**Motion to Admit Counsel Pro Hac Vice**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Michelle M. Arbitrio, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Christopher Frost  
Maynard, Cooper & Gayle, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2602  
Tel. (205) 254-1000  
Fax: (205) 254-1999  
Email Address: [cfrost@maynardcooper.com](mailto:cfrost@maynardcooper.com)

Christopher Frost is a member in good standing of the Bar of the States of the following bars:

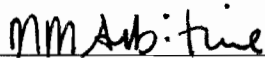
- a. State of Alabama; admitted September 2004;
- b. United States District Court for the Northern District of Alabama; admitted September 2005;
- c. United States District Court for the Southern District of Alabama; admitted September 2005;
- d. United States District Court for the Middle District of Alabama; admitted September 2005;
- e. United States Court of Appeals for the Eleventh Circuit; admitted November 2006;
- f. United States Court of Appeals for the Sixth Circuit; admitted November 2006;
- g. State of Georgia; admitted November 2006;

- h. United States District Court for the Northern District of Georgia; admitted November 2006;
- i. United States District Court for the Middle District of Georgia; admitted November 2006; and
- j. United States District Court for the Southern District of Georgia; admitted November 2006.

There are no pending disciplinary proceedings against Michael D. Mulvaney in State or Federal court.

Dated: April 18, 2007  
White Plains, New York

Respectfully Submitted,

  
\_\_\_\_\_  
Michelle M. Arbitrio, Esq.  
MA 2137  
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
3 Gannett Drive  
White Plains, NY 10604  
Tel. (914) 323-7000  
Fax (914) 325-1275

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

-against-

MARK SEELIG, EUGENIO PRESTA, NICOLA PRESTA,  
AS TRUSTEES OF THE CONSTANTINO PRESTA  
IRREVOCABLE TRUST; HSBC BANK USA, NATIONAL  
ASSOCIATION,

Defendants.

**AFFIDAVIT OF MICHELLE M. ARBITRIO IN SUPPORT OF APPLICATION TO  
ADMIT COUNSEL PRO HAC VICE**

Michelle M. Arbitrio, being duly sworn, hereby deposes and says as follows:

1. I am an associate at the law firm of Wilson, Elser, Moskowitz Edelman & Dicker LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Christopher Frost as counsel pro hac vice to represent Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in January 2003. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Christopher Frost since 2007.

4. Mr. Frost is an attorney at the law firm of Maynard, Cooper & Gale, P.C. in Birmingham, Alabama.

5. I have found Mr. Frost to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

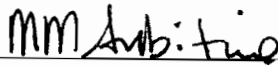
6. Accordingly, I am pleased to move the admission of Christopher Frost, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Christopher Frost, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Christopher Frost, pro hac vice, to represent plaintiff in the above captioned matter, be granted.

Dated: April 18, 2007  
White Plains, New York

Respectfully submitted,

  
\_\_\_\_\_  
Michelle M. Arbitrio (MA 2137)

Sworn to Me  
This 18 Day of  
April, 2007

  
\_\_\_\_\_  
Notary Public

NANCY NAUMAN  
Notary Public, State of New York  
No. 4930293  
Qualified in Westchester County  
Commission Expires May 9, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

-against-

MARK SEELIG, EUGENIO PRESTA, NICOLA PRESTA,  
AS TRUSTEES OF THE CONSTANTINO PRESTA  
IRREVOCABLE TRUST; HSBC BANK USA, NATIONAL  
ASSOCIATION,

Defendants.

### **Order for Admission Pro Hac Vice on Written Motion**

Upon the motion and affidavit of Michelle M. Arbitrio, attorney for American General Life Insurance Company;

**It is hereby Ordered that:**

Christopher Frost  
Maynard, Cooper & Gayle, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2602  
Tel. (205) 254-1000  
Fax: (205) 254-1999  
Email Address: **[cfrost@maynardcooper.com](mailto:cfrost@maynardcooper.com)**

is admitted to practice pro hac vice as counsel for American General Life Insurance Company in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: \_\_\_\_\_  
White Plains, New York

United States Magistrate Judge

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
  )SS :  
COUNTY OF WESTCHESTER        )

UNDINE MASSIAH, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides in Brooklyn, New York.

On the 25th day of April, 2007, deponent served the within

**(1) MOTION TO ADMIT COUNSEL PRO HAC VICE (Christopher Frost)**

Upon:

HSBC Bank USA, National Association  
452 Fifth Avenue  
New York, NY 10018

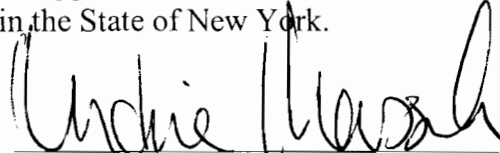
Eugenio Presta  
43 Princeton Avenue  
Yonkers, NY 10710

Nicola Presta  
152 Florence Street  
Yonkers, NY 10704

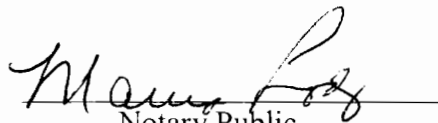
Costatino Presta Irrevocable Trust dated 7-19-05  
c/o Mark Seelig  
Meister Seelig & Fein LLP  
140 East 45<sup>th</sup> Street – 19<sup>th</sup> Floor  
New York, NY 10017

Mark Seelig  
Meister Seelig & Fein LLP  
140 East 45<sup>th</sup> Street – 19<sup>th</sup> Floor  
New York, NY 10017

by the address(es) designated by said attorney(s) for that purpose in a sealed Federal Express envelope, by depositing a true copy thereof enclosed in a postpaid **Federal Express Priority Overnight (Next Business Morning) Overnight** wrapper, in an official depository under the exclusive care and custody of Federal Express within the State of New York.

  
UNDINE MASSIAH

Sworn to before me this  
25th day of April, 2007

  
Notary Public

MAURA LOOBY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01L04921163  
QUALIFIED IN PUTNAM COUNTY  
COMMISSION EXPIRES MAY 31, 2010

**UNITED STATES DISTRICT COURT**

Northern District of Alabama  
Office of the Clerk  
Room 140, 1729 5th Avenue North  
Birmingham, Alabama 35203  
(205) 278-1700

Sharon Harris  
Clerk

**CERTIFICATE OF GOOD STANDING**

I, Sharon Harris, Clerk of the United States District Court, Northern District of Alabama,

**DO HEREBY CERTIFY** that **CHRISTOPHER C. FROST** was duly admitted to practice in said Court on **November 15, 2005**, and is in good standing as a member of the bar of said Court.

Dated at Birmingham, Alabama, on April 20, 2007.

SHARON HARRIS, CLERK

By: Shirley Brown  
Deputy Clerk